

**GUILFORD TOWNSHIP TRUSTEES
REGULAR MEETING MINUTES**

June 20, 2023

The Board of Guilford Township Trustees, Medina County, Ohio, met for a regular Trustees meeting on June 20, 2023 at 8:00 P.M. at the Guilford Township Hall. The following Trustees were present: Bob Rohrer, Gene Morris, Jerry Winkler, and Fiscal Officer, Ray Ruprecht.

Also present were Michael Colonna, Jim Krahl, Diane Allen, Ron Scuderi, Jerry Springer, Bill Shook, Andy Liston, and Shannon Colonna.

Approval of Minutes

Bob Rohrer moved to approve the regular meeting minutes of June 6, 2023. Gene Morris seconded the motion. Roll call: Morris – yes, Rohrer – yes, Winkler – yes.

Department Reports

Fire-EMS Department

Chief Cyphert is on vacation. There is no fire report. Ray spoke with Tammy, and she confirmed that there is no report for this meeting.

Road Supervisor (Andy Liston)

- Working on leveling and patching roads.
- Trimming a few trees.
- Gerber Lumber is working on plans for the building.
- Tree top at hall is dead. There is an agreement to have this trimmed.
- Received slag order for the roads.
- Andy provided the work agreement for signatures for the culvert replacement at the dead end on Guilford. Andy spoke with the Garrison's who are purchasing the property, and they have agreed to do this.

Zoning Secretary (Shannon Colonna)

- The BZA met on June 15 on the appeal. The next BZA meeting is July 6 to review an application for a home occupation permit.
- The next Zoning Commission meeting is July 13. Shannon and Jim spoke about the outcome of the BZA hearing and would like some direction from the Trustees on what they think the next priority should be for the Zoning Commission.
- The first option is to continue working on updating the Comprehensive Development Plan.
 - Last month we reviewed suggestions for updated policies under Goal # 1 and made really good progress. The plan is to review Goal # 2 at the next meeting.
 - They have already been sidetracked once before to help update regulations for junk vehicles due to enforcement issues.

- The second option is to work on updating regulations for accessory buildings to try to get everyone on the same page with interpretation and enforcement going forward.
 - Note that they already submitted a suggested change to update the regulations to say, 'behind the building line' (which was later withdrawn). Shannon spoke with the Planning Commission, and they did not think we should make that change because current regulations are clear.
 - This would likely result in the ZC spending several meetings trying to update regulations so that a handful of people could possibly change their interpretation and for the BZA to update the definition of behind that they supposedly use.
- Gene responded that he does not think there is consensus on how to address accessory buildings going forward. He has sent an email to Mike Lyons about the appeal process. Bob Rohrer said he thought they were on the same page going forward.
- Jerry said that if the Zoning Commission thinks it is clear, but certain members of the BZA don't think it is clear, then it probably needs to be clarified.
- Bob said that it goes back to what Shannon brought up about home occupations. Do they continue to do what they have done for the past 20 or 30 years, or do they move forward with a new interpretation?
- Gene thinks they have bigger problems with the BZA, Zoning Inspector and Trustees.
- Jim Krahl said that they have three options. They could do nothing and get the same results that were decided at the last BZA hearing. They could request that the Zoning Commission further clarify the regulations in the Zoning Manual. That would have to go through the Planning Commission, who have already said that the current regulations are perfectly clear. Updating the regulations also doesn't guarantee that the Zoning Inspector or BZA will agree with the enforcement regulations. They could also challenge the BZA decision in court.
- Bob asked what they gain by going to court. Gene said that the result would be that accessory buildings would have to be behind the main building.
- Jim said that if they do nothing, the interpretation of the Zoning Inspector and BZA is not going to be changed.
- Diane Allen, BZA, said that they have to go through a process to get a text changed.
- Michael said the Trustees are ultimately responsible. There are some people that are trying to follow the rules, and other people are doing whatever they want.
- Jerry thinks that probably 90% of people would read the rules and come to the same understanding. He thinks people are coming up with ways to circumvent the rules.
- Ray said that it sounds like the Zoning Inspector is not aligning with the Zoning Commission and the Trustees (who appealed the decision). They also have feedback from Mike Lyons and the Planning Commission that what they currently have is clear.
- Diane thinks that enforcement is the issue.
- Michael said that other departments, like the Fire Department and the Road Department, provide detailed reports at the Trustee meetings, but they don't get a good report from the Zoning Inspector.

- Jerry Springer said that they have to have a Zoning Permit and a Building Permit before building. Gene responded that the County is not doing their job correctly either. In this case, a single zoning permit was issued for the house and accessory building. The county should have required a second zoning permit for the accessory building before they issued the building permit. There was also an issue with permits for a 'bardominium' that was built.
- Jerry Springer said that 60 years ago, you could do whatever you wanted on your property. Things are different now.
- Gene thinks that the Zoning Commission should continue working on the Comprehensive Development Plan. He does not have confidence that updating the zoning regulations would change the interpretation of the Zoning Inspector.

Zoning Inspector (Curt Lauer)

- Curt is absent. No one has received a report from him.
- Gene said that he received a response from Curt about a landscaping business at 9748 Acme. This property does not have a house, so they are essentially running a commercial business in a residential area.
- Jerry said that someone is advertising an auto repair business outside of a storage unit. Gene thought they talked about this and determined that it could be done.
- Diane thinks that they have had more issues with Home Occupations since Covid because more people are running their businesses from home. Jerry added that there was a study about shortages of workers, and the number of applications for new businesses skyrocketed.
- Diane mentioned the address on 57 with the FedEx trucks, and that she thinks they are running a business from that property.
- Michael asked why so much of this was on the township to prove that someone was running a business. He wondered why they can't charge these people with a violation and let them prove that they are not running a business.
- Jerry said that it seemed like there have been more and more issues with people saying they aren't running a home business. Why do we even have zoning if it isn't going to be enforced. Bob said that in the past, the Zoning Inspector would just tell people that they needed a permit to run a home business.
- Shannon said that they have home occupation permits issued in the past for similar uses, and those permits have conditions that regulate business hours and other things. Now they are just letting those people do whatever they want, and that is holding people to a different standard.
- Jerry Springer suggested that the Zoning Inspector should be approaching the Zoning Commission when he has questions. Bob responded that is exactly what he told him at the last meeting.
- Diane suggested probation.
- Jerry thanked everyone for their input and said that they will continue to discuss.

River Styx Cemetery/Mound Hill Cemetery

- Jerry received a call about someone that put their own marker in at Mound Hill, and they may have buried ashes there. It is on someone else's lot. They are looking into this.
- Bob spoke with Jeff, and he wanted to trade the use of his tractor and chainsaw for the trimmer. They had originally agreed to sell it to him for \$50.00. Bob wondered if there were any concerns with liability or insurance if Jeff is using his own equipment. He is only doing this a couple times a year. Ray said that they can check with the insurance company about his use of personal equipment. Jerry thinks they can just give him the old trimmer. Gene agrees.

Trustees Reports

Bob Rohrer

- Bob received a call about mowing a strip of grass across from the Fire Station. Andy took care of that.
- Bob attended the BZA hearing.
- Bob spoke with someone about the upcoming hearing about the ballpark home occupation. It sounded like he was very concerned about the traffic and parking.

Jerry Winkler

- Jerry received a call about the upcoming BZA hearing. This person was also concerned about traffic and parking and told him that all of the neighbors were concerned. He thought it was interesting that this person originally told them that he was not running a business. Diane said it sounded like they were renting out the facility.
- Jerry received the call about the cemetery issue.
- Jerry received a call from a resident complaining that their neighbor was putting things on their property. He drove by, and it looked like there may be a pile of wood on the property line.

Gene Morris

- Gene attended the BZA hearing.
- Gene received a call from Greg Piatt about the septic system. They changed the location, and the county required new plans.
- Gene spoke with Thompson Excavation about the progress of the septic system.
- Gene sent an email to Mike Lyons.
- Gene received a call about junk vehicles behind the Guilford Motel. There are at least three junk vehicles, including two boats.
- Gene received a call about the upcoming BZA hearing.

Comments from the Public

- Ron Scuderi reported that there is one rental coming up.
- Ray Ruprecht received a call about the property on Greenwich with comments about Biden.

- Ray Ruprecht received a call about someone shooting across a property line. There is a mound that was built for shooting years ago, and the person has been shooting there for years. Gene said that a bullet crossing a property line is a criminal offense. This is not a township issue. Diane thinks they need to report this to the County Sheriff.

Old Business

- Employee handbook – Little things are continuing to come up with the Fire Department, and they are going to have to get on top of this. They are going to need direction from the Trustees.
- The ARPA fund projects:
 - Township hall/garage, parking lot (Andy Liston) on hold until septic system completed.
 - Township hall doors and any other improvements (Bob Rohrer & Gene Morris)
 - Township hall septic system (Gene Morris)
 - Ambulance
- Resolution Approving an Amended Agreement to Establish a Countywide Emergency Management Agency is still on hold. The meeting in Seville was cancelled.
- Work session on August 15, 2023 for Road and Fire & EMS. They will update the start time of the regular meeting to 7:00 PM.
- Next meeting will be July 5, 2023 at 8:00 p.m., this date was approved on January 17, 2023.

Approval to Change August 15, 2023 Meeting Time to 7:00 PM

Gene Morris **moved** to start the regular Trustee meeting to start at 7:00 PM on August 15, 2023. Jerry Winkler seconded the motion. Roll call: Morris – yes, Rohrer – yes, Winkler – yes.

New Business

- Ray presented RESOLUTION NO. 2023-09 A Resolution to Elect the Standard Revenue Loss Allowance in the Use of Federal Funds Distributed to the Township Under the American Rescue Plan Act of 2021 and to Authorize the Use of Said Funds for Governmental Services Projects – Guilford Township grounds septic system.

Jerry Winkler moved for the adoption of the following Resolution:

RESOLUTION NO. 2023-09

A RESOLUTION TO ELECT THE STANDARD REVENUE LOSS ALLOWANCE IN THE USE OF FEDERAL FUNDS DISTRIBUTED TO THE TOWNSHIP UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 AND TO AUTHORIZE THE USE OF SAID FUNDS FOR GOVERNMENTAL SERVICES PROJECTS LISTED HEREIN

WHEREAS, the Township has received a distribution of monies under the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, Section 603(c) generally provides that ARPA Funds may be used by local government recipients for, among other things, “the provision of government services to the extent of the reduction in revenue . . . of such . . . unit of local government . . . due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the . . . unit of local government;” and:

WHEREAS, Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that:

Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” [The “standard allowance”]; and

. . . The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss particularly for Coronavirus State and Local Fiscal Recovery Fund’s smallest recipients. This change is intended to promote administrative efficiency and simply revenue loss calculation for smaller recipient; and

WHEREAS, the Rule further clarifies that recipients can use:

SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the [Final Rule four-step process]. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise; and

WHEREAS, some common examples of “government services” expressly recognized by Treasury are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure.
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; and

WHEREAS, “Government services is [deemed by Treasury] the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements;” and

WHEREAS, funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including a prohibition against using said funds for:

- Deposit into pension funds
- Satisfaction of settlements or judgments
- Contributions to financial reserves or “rainy day” funds; and

WHEREAS, the Board of Trustees is in the process of identifying projects which, in the judgment of the Board, constitute expenditures in direct support of governmental services.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

1. The Township elects to use the standard allowance and its presumption of revenue loss due to the public health emergency and to use the full allocation to fund government services.

2. The following Projects are hereby authorized and shall be paid for from the ARPA Funds in an amount not to exceed:

- Installation of septic system on Guilford Township grounds and any cost associated with engineering, Medina County Health Department costs or additional preparation costs not to exceed \$1,000.00.

3. The Project described herein serves the objectives of the Act by providing services traditionally provided by a government, namely:

- Police protection
- Fire and emergency medical services
- Road repair, maintenance and other transportation and safety services
- Public infrastructure support
- General government administration and administrative facilities
- Land use regulations and enforcement
- Parks and recreational facilities and programs
- Other

4. Accordingly, the Project(s) is/are in the best interests of the Township and is/are deemed a priority for the community.

5. No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

6. It is hereby found and determined that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board or committees, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with the law.

7. This Resolution shall be in full force and effect from and immediately after its adoption.

Bob Rohrer seconded the motion.

Roll call: Morris – yes, Rohrer – yes, Winkler – yes.

Signing of the Warrants

Jerry Winkler **moved** to pay the warrants, payroll/accounting EFTs of \$59,333.63. Gene Morris seconded the motion. Roll call: Morris – yes, Rohrer – yes, Winkler – yes.

Andy said that the county has awarded the road bid to **Vasel Brothers Inc.**, and he thinks they need the Trustees approval.

Approval of Vasel Brothers Inc

Jerry Winkler **moved** to accept the OPWC project to Vasel Brothers for \$50,497.50. Bob Rohrer seconded the motion. Roll call: Morris – yes, Rohrer – yes, Winkler – yes.

Executive Session

Bob Rohrer **moved** to go into executive session at 9:11 P.M. to discuss the employment of public employees and invited Ray Ruprecht. Jerry Winkler seconded the motion. Roll call: Rohrer - yes, Morris - yes. Winkler - yes.

Bob Rohrer **moved** to come out of the executive session at 9:55 P.M. Jerry Winkler seconded the motion. Roll call: Rohrer - yes, Morris - yes, Winkler - yes.

There was no additional business discussed by the trustees.

Adjournment

Bob Rohrer **moved** to adjourn the meeting. Gene Morris seconded the motion. Roll call: Rohrer - yes, Morris - yes, Winkler - yes. The meeting was adjourned at 9:55 P.M.

Bob Rohrer

Gene Morris

Jerry Winkler

Ray Ruprecht